



## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2015-0238]

#### Parts and Accessories Necessary for Safe Operation; Exemption Renewal for TowMate LLC

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of provisional renewal of exemption; request for comments.

**SUMMARY:** FMCSA announces its decision provisionally to renew the TowMate, LLC (TowMate) exemption which allows motor carriers to operate rechargeable wireless temporary stop, turn, and tail lighting systems during temporary towing operations that do not meet the vehicle power supply requirements for all required lamps in the Federal Motor Carrier Safety Regulations (FMCSRs). The exemption is renewed for 5 years, unless rescinded earlier.

**DATES:** This renewed exemption is effective February 9, 2023, through February 9, 2028, unless rescinded earlier. Comments must be received on or before [INSERT 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-2015-0238 using any of the following methods:

- **Federal eRulemaking Portal:** [www.regulations.gov](https://www.regulations.gov). See the *Public Participation and Request for Comments* section below for further information.
- **Mail:** Docket Operations, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

- **Hand Delivery or Courier:** West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.
- **Fax:** (202) 493-2251.

Each submission must include the Agency name and the docket number for this notice (FMCSA-2015-0238). Note that DOT posts all comments received without change to [www.regulations.gov](http://www.regulations.gov), including any personal information included in a comment.

Please see the **Privacy** heading below.

**Docket:** For access to the docket to read background documents or comments, go to [www.regulations.gov](http://www.regulations.gov) at any time or visit Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

**Privacy Act:** In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov). As described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy), the comments are searchable by the name of the submitter.

**FOR FURTHER INFORMATION CONTACT:** Mr. Luke Loy, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590-0001; (202) 366-0676; [MCPSV@dot.gov](mailto:MCPSV@dot.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Public Participation and Request for Comments**

FMCSA encourages you to participate by submitting comments and related materials.

### **Submitting Comments**

If you submit a comment, please include the docket number for this notice (FMCSA-2015-0238), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to [www.regulations.gov](http://www.regulations.gov) and put the docket number, “FMCSA-2015-0238” in the “Keyword” box, and click “Search.” When the new screen appears, click on the “Comment” button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period.

### **II. Legal Basis**

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) and 49 CFR 381.300(b) to renew an exemption from the FMCSRs for a 5-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.”

### **III. Background**

### *Current Regulation(s) Requirements*

Under 49 CFR 393.23, all required lamps must be powered by the electrical system of the motor vehicle with the exception of battery powered lamps used on projecting loads. This requirement ensures that vehicle-supplied electrical power is connected to all required vehicle lamps during normal operation of the vehicle.

### *Application for Renewal of Exemption*

TowMate has requested a 5-year renewal of its exemption from 49 CFR 393.23, *Power supply for lamps*, previously granted on February 9, 2016,<sup>1</sup> and renewed on February 13, 2018,<sup>2</sup> to allow motor carriers to operate rechargeable wireless temporary stop, turn, and tail lighting systems during temporary towing operations. TowMate stated in the application:

[T]he use of conventional hard wired temporary stop, turn, and tail lights has many drawbacks that wireless tow lights solve. These drawbacks include broken connections, frayed wires, burnt out incandescent bulbs, and the potential to be snagged or pulled from the tow light receptacle due to improper running of wires, and road hazards, along with the safety hazard of increasing the amount of time spent on the roadside or the scene of an accident by stringing wired lighting systems between vehicles and securing the wires. With the advent of LED technology coupled with advancements in battery technologies, wireless tow lights are more reliable and better equipped for the rigors of daily temporary use....

Temporary wireless stop, turn, tail lighting systems can operate for 10+ hours of continuous use on a full charge, and in-cab wire-less monitoring systems give the driver constant information on the functioning of the system, displaying state of charge of the battery inside the unit, displaying the functioning of the system during operation, and warning the driver if the unit is no longer functioning. In this sense, wireless tow lights provide a level of safety and redundancy that is not currently required on wired temporary lighting systems. In an emergency situation with a drained battery, power can be directly connected to the temporary wireless stop, turn, and tail lighting system from a standard 4 pin or 7 pin electrical connection....

Without the proposed temporary exemption, [tow and haul away] operators will be forced to continue to use cumbersome wired temporary towing light systems, placing an unnecessary burden on their daily operations. The current temporary lighting requirements for stop, tail, and turn lamps require that the lamps receive their power from a direct wired connection to the towing vehicle with no

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<sup>1</sup> See 81 FR 6927.

<sup>2</sup> See 83 FR 6306.

ascertainable benefit from doing such. Wireless tow lights afford benefits that wired systems are unable to, such as redundancies like monitoring the status of the unit in real time, thus assuring their proper operation at all times.

#### *Original Application for Exemption and Operations under Exemption*

In its original application, TowMate utilized the same justification that rechargeable wireless temporary stop, turn, and tail lighting systems solve many of the safety issues inherent with wired temporary lighting systems. Based on TowMate's application, FMCSA granted a two-year exemption on February 9, 2016 (81 FR 6927), and subsequently renewed that exemption for five years from February 9, 2018, to February 9, 2023 (83 FR 6306).

#### **IV. Equivalent Level of Safety Analysis**

FMCSA is not aware of any evidence showing that the operation of rechargeable wireless temporary stop, turn, and tail lighting systems during temporary towing operations during the current exemption has resulted in any degradation of safety. The Agency believes that extending the exemption for a period of five years will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption because the use of hard-wired temporary stop, turn, and tail lights has many drawbacks that wireless tow lights solve. These include broken connections, frayed wires, the potential for lights to be snagged or pulled from the tow light receptacle due to improper running of wires, and road hazards. The use of rechargeable wireless lighting system also reduces the amount of time that would be spent on the roadside or the scene of an accident stringing wired lighting systems between vehicles and securing the wires. With the advent of LED technology, coupled with advancements in battery technologies, wireless tow lights are more reliable and better equipped for the rigors of daily temporary use and will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

#### **V. Exemption Decision**

FMCSA is provisionally renewing the exemption for a period of five years subject to the terms and conditions of this decision and the absence of public comments that would cause the Agency to terminate the exemption at an earlier date under Sec. V.D. below. The exemption from the requirements of 49 CFR 393.23, is otherwise effective from February 9, 2023, through February 9, 2028, 11:59 p.m. EST unless rescinded.

**A. Applicability of Exemption**

The exemption is restricted to motor carriers operating rechargeable wireless temporary stop, turn, and tail lighting systems that do not meet the lighting power supply requirements of 49 CFR 393.23, provided the requirements of 49 CFR 393.17(b)(2) are met.

**B. Terms and Conditions**

Drivers operating under the exemption must comply with all other applicable FMCSRs (49 CFR parts 350-399).

**C. Preemption**

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

**D. Termination**

The exemption will be valid for five years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) motor carriers and/or commercial motor vehicles fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3)

continuation of the exemption would not be consistent with the goals and objects of 49 U.S.C. 31136(e) and 31315.

Interested parties possessing information that would demonstrate that companies operating under this exemption are not achieving the requisite statutory level of safety should immediately notify FMCSA. Such information may be reported via email to [MCPSV@dot.gov](mailto:MCPSV@dot.gov). The Agency will evaluate any such information and, if safety is being compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

## **VI. Request for Comments**

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on TowMate's application for renewal of its exemption from 49 CFR 393.23.

All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the Addresses section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

**Robin Hutcheson,**  
*Administrator.*